

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ATLANTIS INFORMATION TECHNOLOGY,  
GmbH

Plaintiff,

-against-

CA, INC.

Defendant.  
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Civil Action No.  
06-CV-3921(JS)(ETB)

**REPLY DECLARATION OF  
ERIC J. SHIMANOFF IN  
FURTHER SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT ON  
THE ISSUE OF LIABILITY ON  
ITS CLAIM FOR BREACH OF  
CONTRACT AGAINST  
DEFENDANT CA, INC.**

**ERIC J. SHIMANOFF**, pursuant to 28 U.S.C. §1746, declares as follows:

1. I am a shareholder in the law firm of Cowan, Liebowitz & Latman, P.C., attorneys for the Plaintiff Atlantis Information Technology, GmbH ("Plaintiff" or "Atlantis"). I respectfully submit this reply declaration in further support of Plaintiff's motion for summary judgment on the issue of liability on its claim for breach of contract against Defendant CA, Inc. ("Defendant" or "CA").

2. I submit this reply declaration based on my personal knowledge and/or review of my firm's records, and if called as a witness, I would testify competently as to the matters contained herein.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the Deposition of James McGarry, taken on February 21, 2008 ("McGarry Dep.").

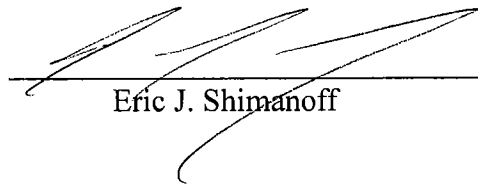
4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the transcript of the Deposition of Alexander Gaugler, taken on January 5, 2008 ("Gaugler Dep.").

5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the transcript of the Deposition of John Ball, taken on March 4, 2008 ("Ball Dep.").

6. Attached hereto as **Exhibit D** is a true and correct copy of a letter from CA's then counsel, John Zabriskie, to Atlantis's counsel, J. Christopher Jensen, dated November 27, 2007.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of January, 2011, in New York, New York.



Eric J. Shimanoff